

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**MARLON GRAHAM, and  
JOHNNAH DEGRAW,**

**Defendants.**

) Criminal No. 3:19-CR-<sup>59</sup>(TJM)  
)  
) **Indictment**  
)  
) Violations: 21 U.S.C. § 846  
) [Conspiracy to Possess with  
) the Intent to Distribute and to  
) Distribute Controlled  
) Substances]  
) 21 U.S.C. § 841(a)(1)  
) [Possession with the Intent to  
) Distribute Controlled  
) Substances]  
)  
) Three Counts and Forfeiture Allegation  
)  
) County of Offense: Broome

**THE GRAND JURY CHARGES:**

**COUNT 1**

**[Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances]**

From in or about June 2018, through in or about November 2018, in Broome County in the Northern District of New York, and elsewhere, the defendants,

**MARLON GRAHAM, and  
JOHNNAH DEGRAW,**

conspired with each other and others to knowingly and intentionally possess with intent to distribute and to distribute controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. As to both defendants, that violation involved fifty (50) grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled

substance; one (1) kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and one hundred (100) grams or more of a mixture and substance containing a detectable amount of both acetyl fentanyl, an analogue of N-Phenyl-N-[1-(2-Phenylethyl)-4-Piperidinyl] Propanamide (fentanyl), a Schedule I controlled substance, and N-Phenyl-N-[1-(2-Phenylethyl)-4-Piperidinyl] Propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

**COUNT 2**

**[Possession with Intent to Distribute a Controlled Substance]**

On or about June 5, 2018, in Broome County in the Northern District of New York, the defendant,

**MARLON GRAHAM,**

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). That violation involved fifty (50) grams or more of methamphetamine, it salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

**COUNT 3**

**[Possession with Intent to Distribute Controlled Substances]**

On or about November 30, 2018, in Broome County in the Northern District of New York, the defendants,

**MARLON GRAHAM, and  
JOHNNAH DEGRAW,**

did knowingly and intentionally possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1). As to both defendants, that violation involved fifty (50) grams or more of methamphetamine, it salts, isomers, and salts of its isomers, a Schedule

II controlled substance; one (1) kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and one hundred (100) grams or more of a mixture and substance containing a detectable amount of acetyl fentanyl, an analogue of N-Phenyl-N-[1-(2-Phenylethyl)-4-Piperidinyl] Propanamide (fentanyl), a Schedule I controlled substance, and N-Phenyl-N-[1-(2-Phenylethyl)-4-Piperidinyl] Propanamide (fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

### **FORFEITURE ALLEGATION**

1. The allegations contained in Counts One through Three of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841(a)(1) and 846, the defendants, **MARLON GRAHAM** and **JOHNNAH DEGRAW**, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to be forfeited includes, but is not limited to, the following:

- a. A money judgment in the amount of not less than \$50,000.00.

### **Substitute Property**

3. If any of the property described above, as a result of any act or omission of the defendant: (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

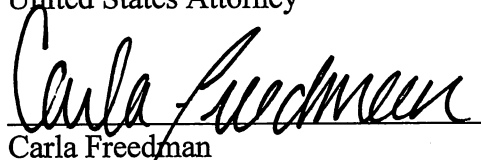
Dated: February 14, 2019.

A TRUE BILL, \*Name Redacted

  
Grand Jury Foreperson

GRANT C. JAQUITH  
United States Attorney

By:



Carla Freedman  
Assistant United States Attorney  
Bar Roll No. 514723